

**SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
(PUBLIC HEARING)**

**August 21, 2006**

**6:00 PM**

Mayor Guinta called the meeting to order.

Mayor Guinta called for the Pledge of Allegiance, this function being led by Alderman Garrity.

A moment of silent prayer was observed.

The Clerk called the roll. There were twelve Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, Shea,  
DeVries, Garrity, Smith, Thibault, Forest

Absent: Aldermen O’Neil and Lopez

Mayor Guinta advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposing Zoning Ordinances and Building Code changes; that the Clerk will present the proposed Zoning Ordinance changes followed by the Building Code changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

The Clerk presented the first proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

Mayor Guinta requested Robert MacKenzie, Director of Planning, and Thomas Bowen, Water Works Director, make presentations.

Mr. MacKenzie stated tonight there are a number of zoning changes and building changes that will be happening. The first item was prepared by Manchester Water Works and before Tom Bowen steps in I kind of wanted to show you the area this would be affecting. This is an overlay zone, which would basically protect the watershed of Lake Massabesic, and you can see here I’m following along the watershed divide. In other words, in rain falls here it flows into Stevens Pond and out to the Merrimack. If waterfalls here...anywhere within this

yellow area, however, eventually it ends up into Lake Massabesic our water supply. So, the basics of the ordinance are to prohibit 20 specific uses that use various types of chemicals or petrochemicals that potentially could damage the watershed...those 20 items are listed in a table identified in the ordinance and are such things as Industrial Uses, Laundry Uses, Automotive Service Stations and similar items and again Tom will go over a little bit more how they arrived at that. The second provision is to reduce impervious surfaces. Again, a parking lot collects oil and grease and other things from cars and when it runs off it can run directly into the lake. So, the ordinance requires setbacks of 50 feet for many of these impervious services. I would identify that we are proposing a change to that...there is a small change we are proposing and if you're following along in the ordinance it comes in directly after that table of 20 uses. So, if you do have your ordinance it is this page here with the 20 boxes. The next paragraph indicates basically the 50 foot waterways or wetlands and they have to be that there's no impervious surfaces...driveways, parking lots, roads, etc. We're eliminating or septic systems. Basically, there's other regulations that governs setbacks of septic systems from water bodies. So, that is a change we're recommending that could be reviewed by the Committee on Bills on Second Reading. Now, I'm going to turn it over to Mr. Bowen, Director of the Manchester Water Works, who is going to talk a little bit about the process they got to and the reasons they'd like to see this change.

Mr. Thomas Bowen, Manchester Water Works Director, stated basically the purpose of the Zoning Overlay District as it is identified in the title is to protect the Lake Massabesic Watershed. In 2001 and 2002 the State of New Hampshire did an evaluation of the more than 50 surface water supplies in the State of New Hampshire with Manchester's Watershed being one of them. In the evaluation that they did which is available on the web and which we have made available to our customers they identified areas of high, medium and low vulnerability. Not necessarily contamination but potential contamination and Manchester although we have a number of regulations that are in place on Manchester Water Works property in Manchester and the surrounding towns of Auburn and Hooksett there are no specific regulations in place for the remainder of the watershed that is in Manchester. The watershed area in Manchester is about 3,100 acres. Manchester Water Works owns about 750 acres outright and the lake itself it about 1,000. So, the balance that you can see identified primarily in yellow back from the edge of the lake are areas that are zoned either rural residential, R-1B in the area adjacent to Wellington Road and a relatively small business district that is the Lake Massabesic Traffic Circle and 1,000 feet more or less either side of that. But, getting back to the assessment...a number of the areas that the state considered our watershed to be of high vulnerability is potential contamination from things such as the items that Bob mentioned...from the petrochemicals, from the cleaning agents that are associated with car washes and large industrial plants...because right now that area is not sewered and anything that hits the ground either goes into the groundwater which ultimately ends up in the lake or is runs into the surface water which also ends up in the lake. So, the zoning changes were an area that we felt would be appropriate to the creation of a Zoning Overlay District, very similar to what is in existence in several other areas of town

for the Historic District, the airport has one...at the time we began looking at it the wastewater department was looking at one over near the landfill and I believe that's on the agenda for this evening which calls out special criteria for protection of Lake Massabesic Watershed. We received a small grant from the NH Department of Environmental Services and we hired a consultant who is with us this evening to put together a series of recommendations. Included in the discussion were representatives of the Manchester Planning Department, Building Department, we brought in representatives from DES, our consultant as well as representatives from EPD. So, we thought that we had a representative group of people that were familiar with water runoffs and protection of watersheds. There were several iterations basically we started out with something that was much more complex. At the urging of the Planning Director we brought it down and we simplified it considerably and what you have in front of you tonight is the culmination of probably two years worth of effort on the part of that committee. So, we would very much appreciate your consideration of this. We think that in the long run and that's what this is this is not a concern about a single location within the watershed that might pollute. But, what we are concerned about is the long-term general degradation of the water quality in Lake Massabesic. Without throwing out a number basically if it takes 15 years for it to degrade it would take 115 years to clean it up. So, these are all very long-term goals. We're looking down the road a long time. We're not saying that there is any one source out there that is going to create a problem tomorrow because, for example, one of our biggest concerns are the underground storage tanks. Of the four existing and one former gas station that are in that business district three of them already have confirmed underground leaks in their storage tanks that have been in remediation by DES that we have been following very closely but it doesn't mean they're not going to have another one tomorrow and one that's a lot more serious than what they've already had. So, we're looking to protect the watershed and the water quality for nearly 160,000 in southern New Hampshire. So, with that said.

Mr. MacKenzie stated if the Board had any questions before we get public testimony.

Alderman Forest in reference to the lower right-hand side of the map stated there's a small body of water right there...where is that and why was that not included? It seems to be in very close proximity.

Mr. Bowen replied that's for the outlet for Lake Massabesic...that's the dam and the so-called canal that exits into Cohas Brook...goes down to our pumping station. That one...that is Camp Carpenter and that is not on the Lake Massabesic Watershed. Water that falls into Long Pond goes around the dam and goes into Pine Island Pond but it does not flow into Lake Massabesic.

Alderman DeVries stated in reference to the proposed restrictions to Impervious Surfaces...I guess my first question would be I don't have any delineation of the wetlands within the proposed area. So, it's really hard for me to tell how that 50-foot setback since it is both

from the waterways and wetlands it's hard for me to know how much of the area is going to be affected. Did you bring any representation along for us tonight.

Mr. MacKenzie stated this particular map does identify the major wetlands in the light blue. It does identify 95% of all the streams in the area...so the dark blue actually is water bodies, the light blue as you can see right here are wetlands.

Alderman DeVries stated I would ask further because if we're not referencing any specific wetlands as shown on a particular map to be part of the attachment to this so if there was say creative wetlands, manmade wetlands developed they would then become part of this restriction. Shouldn't that be tightened up to at least have an exhibit attached to this so that there is a cut and dry representation of what wetlands you're looking to have this particular ordinance referred to.

Mr. MacKenzie stated wetlands are per the state criteria and definition. So, currently we have a requirement that development is 25 feet away from wetlands. If that is on a case-by-case analysis when people come in with development they have to have a survey. The problem is that we would have to actually hire an environmental group to go in and survey the entire watershed. Normally, we react to proposed developments...they are required to identify any wetland and flag the wetlands on the property and then Planning Board or the Building Department will review those flagged wetlands to see if they meet the criteria. We do currently have a 250foot setback from all wetlands. In this particular area this would increase the 25 feet to 50 feet.

Alderman DeVries stated with impervious surfaces is there any grandfathering of existing structures.

Mr. MacKenzie replied yes. The Zoning Ordinance grandfathers it so if you have parking spaces within 50 feet of a wetlands or a stream going into this area you are grandfathered. If you're doing major redevelopment and I think the Building Commissioner is here tonight and he might add to that but if you're redeveloping a site you would have to conform to those that an existing building, an existing house with the existing parking lot it is not retroactive on them.

Alderman DeVries stated so for them to pull a building permit, to overlay an existing parking lot would not require a variance.

Mr. MacKenzie stated that's correct.

Alderman Thibault stated Bob what I'm concerned about mostly is the people that own this land in this area now that you want to rezone I'd like to know if you can give us an idea as to the financial impact that this could have on some of these properties in that area and how do

we handle that. Here are people that say came up here 20 years ago, 15 years ago and bought a piece of land with some grandiose ideas of doing something great in 10 or 15 years and now we're putting restrictions that they may not be able to do that. What kind of a financial impact does that impose on them? Can anybody answer that?

Mr. MacKenzie replied in most cases residential properties will not be impacted by this because again they are not providing the contaminants that would be a threat to the watershed. It would affect potentially some properties and again it's a very small area along Candia Road and the Londonderry Turnpike that is zoned B-2 Business. In those cases they would not be allowed to do heavy industrial or automotive uses. There are still a number of retail uses they could do...they could have bowling alleys, they could have restaurants, they could have hair salons, they could have taxidermy shops, they can have convenience stores...so, their potential uses may be somewhat limited but there's still a lot of different retail or commercial or office uses that could do on those sites.

Alderman Thibault stated whatever vote we take here tonight is this final or does it have to go to committee after this?

Mr. MacKenzie replied it is going to committee...there is no full Board action this evening

Mayor Guinta stated Committee on Bills on Second Reading.

Mr. MacKenzie stated I think they're meeting tonight but they don't necessarily have to take an action tonight.

Alderman Osborne asked is this the total Massabesic Lake I'm looking at up there? That doesn't include the Auburn side, right? What kind of protection do you have on the Auburn side?

Mr. Bowen replied there are protections based on current zoning in the towns. For example, Manchester has a 25-foot setback for impervious surfaces in their district. The Town of Auburn has 125 feet. So, each of the towns is different because there is Hooksett, Auburn, Chester and Candia. But, in each case, the nature of the areas are unique and different than what Manchester is. Obviously, Manchester is a much more developed area with a much more concentrated business section than any of the other communities.

Alderman Osborne stated but, the state feels that there is sufficient footage on the Auburn side.

Mr. Bowen stated in that particular case yes but it is out intention to go back and review those as well and to work with the various towns on additional protections for the Lake Massabesic Watershed in their various towns. We felt that it was probably inappropriate for

us to go to Hooksett or to go to Auburn and to ask them to do something that we had not yet done in Manchester so part of our original proposal to the state was that this was the first of several phases that we would be working on as we progress in trying to tighten up to the extent possible and appropriate.

Alderman Osborne asked the flow of the water is it east to west?

Mr. Bowen replied basically the water enters in Auburn Village flowing down from Hooksett it flows basically easterly and then it flows westerly to our Water Treatment Plant on Lake Shore Road.

Alderman Pinard asked how many homes are affected by this...you should have a number I think and how many businesses are going to be affected by this overlay?

Mr. MacKenzie replied we actually mailed out in accordance with a Board policy 1,800 notices...so there are 1,800 properties in that area. The vast majority probably 95% are residential and again there's probably on the order of a couple of dozen businesses primarily on Candia Road and Londonderry Turnpike.

Alderman Pinard asked will be the businesses have a chance to ask you questions before we go to the Committee on Bills on Second Reading if they have questions?

Mr. MacKenzie replied they will have an opportunity tonight to speak. If they have questions then it's really up to the Committee on Bills on Second Reading...they do not have to take an action to recommend tonight. If they want to have additional discussions with businessmen they can.

Alderman Long stated certainly understand the protection issue. The timeline between Auburn and Hooksett...is there a timeline as to when they would implement zoning if they even would. It seems kind of foolish to take the lead when we're backed up with other towns that aren't following suit.

Mr. Bowen stated the reason we started in Manchester is because Manchester is the area closest to where the water comes into the treatment plant and it's the closest proximity to where we're treating the water. So, all of those types of issues went into the decision to pick Manchester first. We wanted to make sure that we had a good plan in place...one that was well thought out and implementable before we took off and went and talked to the and we're prepared as soon as this is approved to start the process with the towns very much like Manchester Auburn is in the process of updating its master plan so the timing for that is very good and we've over the years had a decent working relationship with Auburn and we actually have someone from our staff on their Master Plan Study Committee and so we do have input into what we feel are issues and we're planning on moving right ahead with it.

Alderman Long asked is it safe to assume that Auburn and Hooksett is primarily residential in those areas that would be affected?

Mr. Bowen replied there is in Auburn Village a very small community kind of a village, maybe a dozen businesses right in the village. I think in all of Auburn there are two gas stations as opposed to the 700 underground storage tanks that are in Manchester. Hooksett is more rural most of which is very large lots, very large tracks that are in the upper portion of the watershed.

Alderman Long asked do we know the breakdown of acreage with respect to the wetlands...residential versus business...do we know the effects, for example, would business properties be one...by the wetlands 50 foot setback and that would be grandfathered in...it's a two-part question I guess.

Mr. Bowen replied yes...based upon Bob's figures...the existing businesses yes.

Alderman Long stated we don't know the residential versus business zoning with respect to the proposal on the wetland part do we?

Mr. Bowen replied no.

Alderman Roy stated the former Owen's Marine property in this corner...that would now be a prohibited use...boat sales and repair facility.

Mr. Bowen replied I would say so yes.

Alderman Roy stated I'd really have a concern regarding the impact on our tax base and what it does to businesses...Candia Road and the Bypass area. Tom, you may be able to answer this. I've always been told...growing up and fishing Massabesic Lake that oil, gas, water was something that we were able to separate at the treatment facility. It was the human bacterias that really could work or do damage to our water supply. Why now are most of the things that we're looking to take out of the watershed...automotive, boat, fuel distribution...there's a lot of boats being used on Massabesic Lake I'm not saying any of them leak but it seems like we're letting people run their boats around that may be pouring oil or gas into the lake but I have always been told that could be easily separated.

Mr. Bowen stated it's not easily separated but it does separate and we are mainly concerned about the bacterial agents as opposed to the others. The reason this has really kind of come up is because of the vulnerability assessment that the state had done and they chose to really zero in on the leaking underground storage tanks in those areas and with three in such close proximity...we have a pretty good idea as to the amount of boat traffic on the lake and it's

for a relatively short period of time in the season and it's even shorter this year than in most. However, the leaking underground storage tanks leak 24/7 and they take a very, very long time to reach the surface and they take a very long time to dissipate and we are seeing leakage from one of the stations at the traffic circle that was known to have occurred five years ago...it's still 200 feet from the lake and traveling but it's still traveling. So, we're looking at a long-term recovery of that material as opposed to something that's going to burn off with the volatiles from the sunlight on the surface. So, there's quite a difference.

Alderman Roy stated but in a short answer our watershed is protected from that through the treatment process correct. Expand on that if you're not worried about...

Mr. Bowen stated our treatment plant does have the capability of removing gasoline products. But, what we're doing is we're putting additional stress on the treatment plant and if we know we have problems our job is to try to eliminate those issues and try to make the water entering the lake and try to make the water entering the treatment plan as clean as possible so that the citizens are getting the best product that they can get.

Alderman Roy stated I don't by any means disagree with that. It's just some things about this ordinance...the impervious surfaces, sales and rentals of automobiles...I can agree with the underground storage tanks but I do have concerns of what impact on private property rights we're going to have and resale values with this in effect to some of the boat repair areas, automobile repairs, contractor yards...the definition of building contractor yard is that a landscape supply like the property on the eastern side of the Bypass across from where Owen's was few years ago? Would that have fallen into building contractor?

Mr. MacKenzie replied I would defer to Mr. LaFreniere on that one. I'm not sure if he has a quick answer or if he wants to get back to the Board.

Mr. Leon LaFreniere, Commissioner of Buildings, replied that use could fall under a combination of either building contractor's yard or outdoor storage depending on the nature of the use. I'm not real familiar with that particular operation but other operations of that nature we have categorized in both categories depending on having more to do with the business operations versus the materials. In this case, it could fall into either category.

Alderman Roy stated so something like a landscape supply...bark mulch, stone...would be prohibited under this.

Mr. LaFreniere replied that is possible yes.

Alderman Thibault stated I was going to direct this to Bob alone but I guess Tom just brought it up also. I'm a little concerned about the fact that you people keep talking about leaking oil tanks or gas tanks in the ground. I thought that the state had a law or a rule on



that that if in fact there was a tank that was found to be leaking in any way that it had to be replaced with those new polyfiberglass tanks I guess they're called. So, why is this becoming a problem and why can we not get those stations to change those tanks.

Mr. Bowen replied some of the stations have changed their tanks.

Alderman Thibault stated it's the ones that are leaking that I'm concerned about.

Mr. Bowen stated yes and some of those have and some of them have done remediation, they've done pumping of the groundwater in the area to try to remove the product, however, once it starts migrating into a larger geographic area even if the tank is fixed it continues to migrate and even with a fiberglass tank you can have other spills that are associated with other components...a leak at the pump...I think the last leakage that we had at one of the stations at the traffic circle was a truck that was filling up and just drove away with the filler still in the pump and he drove away and gas leaked until the owner of the station recognized the fact that there was a problem and he just the power off but in the meantime there was several hundreds of gallons of gasoline that poured out onto the ground and Fire Department and a Water Works crew were there for quite a while that one evening.

Alderman Thibault asked is this what you feel is probably one of the major causes over there of the problem that's there now?

Mr. Bowen replied I think the original problem was leaking tanks. I think the current problem can be identified in other areas.

Alderman Thibault stated I think this is financially a very critical area for us to look at and I would certainly, if I could, I would like to make a motion that it be referred to the Committee on Bills on Second Reading to be reviewed by that Committee to make sure that it's reviewed completely because I believe a lot of people financially are going to be affected by this.

Mayor Guinta stated everything this evening will be referred to the Committee on Bills on Second Reading.

Alderman Duval stated no doubt government has a responsibility to preserve the quality of our drinking water so that is certainly not to be disputed. With the presence of storm drain lines and sewer lines in that area I take it that they don't exist presently. Would the recommendations being aired tonight be somewhat different if those lines were present today?

Mr. Bowen replied I believe some of those recommendations in that chart indicate that they are only prohibited unless there is sewer available. If there were sewer then they would not be prohibited.

Alderman Duval asked do we have a status of the installation and completion of those projects into those areas?

Mr. Bowen replied I'm not aware of what that schedule is.

Mr. MacKenzie stated there are sewers being put into Candia Road as part of that reconstruction but that particular phase of the interceptor, I believe, is still a couple of years away. We do have a public works representative but I don't think that she would be familiar with that part of the operation. We can get that information from Frank Thomas and get it to the Committee if you'd like.

Alderman Duval stated Bob wouldn't you think that information would be critical in terms of our assessment of how to vote as a Board relative to this issue because we are potentially voting and going to impact this area for a very long time to come and as a number of Aldermen have pointed out tonight there is certainly at least a potential for a negative impact on property values...people that have invested in those areas...I know that for as long as I've been in Manchester my entire life that area of Candia Road and around the Massabesic Traffic Circle and 28 heading north has been principally business for so, so long in one way, shape or form perhaps not the gas stations that exist there today but there were drive-in restaurants and the bowling alley's been there forever and the Lantern and so forth. It seems to me that we're really asking to rezone the area to such an extent that people are really going to perhaps suffer a significant devaluation in property.

Mr. MacKenzie stated I guess I would just like to remind people that the bowling alley, the Lantern, Spatt's, Zoey's, the proposed Dunkin Donuts...all of those uses would still be permitted. So, the majority of uses that are in that area and would likely be proposed would still be allowed there.

Alderman Duval stated you'll make sure someone gets this report on the installation of storm drain lines because I think that should cover the consideration we're deliberating.

Alderman Osborne stated I just had a question in my own mind for years. I was just wondering...getting back to the lake itself. How many, what's the percentage of boats on that lake as to sailboats, rowboats or motor boats? What is the percentage would you say? How many would be motor as compared to the rest?

Mr. Bowen replied this is going to be right off the top of my head but I would say probably 40/60...that 40% are motor boats and the majority are sail although the majority of the sails have probably have a small motor on them also but not often used.

Alderman Osborne stated so you figured about 46 is a good guess...46% not 40 or 50.

Mr. Bowen interjected no 40/60.

Alderman Osborne stated I thought you said 46. Thank you.

Alderman Smith stated I'm not quite sure but I'm following up on what Alderman Duval said about combined sewer overflow...the road construction started way back by the tripod and went all the way out to the traffic circle. How much of that is separated...sewerage and drainage...do you know...I know you said you were going to talk to the Highway Department...these are very, very important because the septic tanks will not come into existence if they are all tied up.

Mr. MacKenzie stated I do know that the drainage, the storm drainage from the area that's east of Golden Rod's is still going to be into the lake. There's no plans to take that water and kind of pump it out of the watershed so when water falls onto the roadway if there's gasoline, rubber and other chemicals that eventually is still going to get into the lake. So, there's no plans to have separated storm drain and sewer systems...they are separated but the storm drain still goes into the lake,

Alderman Smith stated you mean to say that we paid millions of dollars with the state and the city for road construction and we didn't follow through with drainage in a watershed area all the way out to the traffic circle.

Mr. Bowen stated yes there is. There is new drainage all the way from East Industrial Park Drive all the way out to the traffic circle and the Water Works and the Highway Department worked very closely with the state design engineers to install treatment swales...they are actually in several locations, there are detention ponds, a lot of which is on Water Works property. So, yes, all that was taken into consideration and there's no sewerage...it's not combined, it's separated because everybody out there beyond the Candia Road/Bridge Street intersection is on septic. Everybody to the east of that point is septic.

Alderman Smith stated I know you want to protect the watershed but the value of land, no question about it, is going to be decreased for these people going from business to residential...am I correct, Bob?

Mr. MacKenzie replied no...the locations that are zoned business now and again there's probably two dozen properties is going to stay business.

Alderman Smith stated they will be restricted.

Mr. MacKenzie stated they will be somewhat restricted. The number of uses will be reduced somewhat yes.

Alderman DeVries stated I understand some of the new restricted used are very controversial and they probably are something we want to se the restrictions on...gas stations and such. But, if there were other less controversial uses that say just had a large area of impervious surface...a parking lot that needed to be installed would they not be able to go to the Zoning Board and request a variance from this action that would be scrutinized and reviewed for the same sort of storm drainage treatment swales that we use along Candia Road with the installation. So, might there still be the option for some of the uses that we're envisioning would not be allowed under this strict ordinance?

Mr. MacKenzie replied yes. Property owners could still go to the Zoning Board of Adjustment. This is all under the zoning and they can seek appeals from the Zoning Board of Adjustment.

Alderman DeVries stated by doing that they would also have to demonstrate that they have met a high level of integrity in what they plan to do with any runoff from that property so that Water Works...obviously, before they would approve that they would have to be sure that any threats to the drinking water have been diminished or eliminated.

Mr. MacKenzie replied yes.

Alderman Gatsas asked Bob can you tell me or maybe somebody can show me on the map...what was the amount of watershed protection zone prior to this or prior to what you're presenting to us?

Mr. Bowen replied there are regulations in place that are part of the state's...

Alderman Gatsas stated shoe me the land area that that encompassed.

Mr. Bowen stated it encompasses everything in yellow. There are regulations in place with regard to a number of items. Nothing to do with business applications, nothing to do with the siting of gas stations or a manufacturing plant in a residential or commercial or industrial zone but more related to what the state and DES typically would be reviewing. Basically, septic system types of issues and identified actual pollution running down the streets types of issues. And, it incorporates the entire 40 square mile watershed and those are Administrative Rules out of DES.

Alderman Gatsas stated so basically what you're saying is that the watershed hasn't grown in size. You're just looking to put different restrictions on it.

Mr. Bowen replied that's correct.

Alderman Gatsas asked how long has this watershed been in place?

Mr. Bowen replied as long as the lake has been there.

Alderman Gatsas stated so during the course of as long as the lake's been there there's really been no contamination to the lake with the restrictions that were there before?

Mr. Bowen replied there has been and we have been dealing with...

Alderman Gatsas interjected I'm talking about where they are because I know where they are so why don't you have that conversation and tell us from where.

Mr. Bowen stated where have the contaminations occurred. Basically, they've occurred at the...known contaminations have occurred at three of the four gas stations at the traffic circle and out towards the lake. We know about those and there are monitoring wells on Water Works property that we are getting reports from the state on a routine basis.

Alderman Gatsas stated so then corrected.

Mr. Bowen stated have the stations been corrected, yes. But, the leakage is still in the ground and it's migrating to the lake.

Alderman Gatsas stated but the additional restrictions that you're looking to put in place are not going to correct...

Mr. Bowen interjected what has already occurred...all it will do is keep another station from locating...one of our main concerns is that with sewer now going in out there that this is going to end up being another South Willow Street with a lot of businesses and maybe not South Willow Street maybe something that would be even industrial...acres and acres of parking lots. We don't know what's going to happen out there. But, we are very concerned that this is going to be a lot of growth in there and that growth is going to have a very negative impact on the lake.

Alderman Gatsas stated I understand what you're saying but I think there are a lot of people behind you that are concerned with what happens to their property value when this goes into effect and I think that it's very important for you to come back and I'm lucky I've got a map in front of me...my colleagues don't. So, I would think that you folks would come back and

certainly put on here what's owned by the Manchester Water Works because I look and these lines sometimes travel right through the middle of lots and I guess there's no rhyme or reason to how the line was drawn.

Mr. Bowen stated the line is drawn where the drop of water falls. If it flows to the right it's either in or out of the watershed and if it flows to the left it's in or out of the watershed.

Alderman Gatsas stated so someone went through every one of these lots.

Mr. Bowen stated it was done at a planning level, engineering project yes. It has been engineered...that line is the best interpretation of where the boundary in the watershed is.

Alderman Gatsas stated I understand that but taking somebody's lot and cutting it in the middle may not...

Mr. Bowen stated I think as Bob mentioned one of the things that typically occurs when someone comes in and submits a plan to the Planning Department is that they do a detailed survey of their property and that detailed survey has to have drainage on it and the drainage determination done at a much higher level of detail will show exactly which way the water flows...whether it flows towards the lake or away from the lake all that is done during the design phase of a project.

Alderman Gatsas stated so if there's a lot in the middle of this yellow that happens to drain away from the lake let's take, for example, somewhere around...up by Highview Terrace...some of that land drains away from the lake.

Mr. MacKenzie stated if I could, Alderman, on the map here just as an example yes there are many lots that a portion of lot drains into the lake and a portion doesn't. If you look at this area right here, this lot is the Dartmouth Hitchcock Clinic site...there is about a third of that property that does drain into the watershed. They are aware of that, it was identified on engineering plans when they came to build...the Planning Board reviewed that...there was special protection that the Planning Board put on there but these lines here were developed by the Water Works with their consultant and verified by our staff and they are accurate probably within one or two feet.

Alderman Gatsas stated right but I can get a consultant that can probably give me a map that's going to show me something different because consultants kind of do what who's paying them to do what they're looking at.

Mr. Bowen stated there's no advantage to us to increase or decrease...it's the best interpretation of where the watershed is and it has been surveyed, it wasn't surveyed specifically for this project but it has been surveyed over the years.

Alderman Gatsas stated explain to me why you're so sensitive to a research and development as that being barred...explained to my why you'd be so concerned with that.

Mr. Bowen stated if it was zoned just office use we wouldn't have any concern but it depends what the research and development is in. If they're doing biological research on a piece of property and they've got a septic system and all that biological is going into the ground and they're located 500 feet from where the lake is then we've got a concern.

Alderman Gatsas stated but you don't have the ability to waive what you want to waive because somebody comes in and says it's office space for research and development. It says right here anything that's in the yellow according to this sheet that those are one of the things that can't happen here. Is that right, Mr. MacKenzie?

Mr. MacKenzie replied yes that's correct.

Alderman Gatsas asked okay so why are we opposed to research and development?

Mr. Bowen replied I think for the very reason that I just mentioned because...

Alderman Gatsas stated but there aren't exceptions in here. It doesn't say with exception.

Mr. Bowen stated you're right. We're eliminating and excluding the entire piece. Now, the research and development is a use that isn't even included if I'm not mistaken in the commercial zone. So, we're kind of splitting hairs here. Most of...in the B-2 zone, most of the items that are being specifically excluded are in the automotive area.

Mr. MacKenzie stated just to corroborate...the research and development currently is not allowed in anyplace within the watershed.

Alderman Gatsas asked for what reason?

Mr. MacKenzie replied because it's allowed in certain districts but it's not allowed in the B-2, the R-1A or the R-1B, which constitute this area.

Alderman Gatsas stated but I'd probably come in and get a variance if it was research and development in a B-2 zone and showed you that it was office space, I would think.

Mr. MacKenzie stated I think that's a little speculative though.

Alderman Gatsas stated it may be speculative but it's no different than a B-2 zone with office space in it.

Mr. Bowen stated if that were the case Water Works probably would not oppose the variance when it came up at the ZBA as long as there was a stipulation put into the deed that there would not be any uses that would make it a more hazardous condition.

Alderman Gatsas stated in this zone that is here now has the Water works sold any of the land for multi-family use that would be directed to a septic system in the last...since the lake was there?

Mr. Bowen stated has the Water Works sold any land...

Alderman Gatsas interjected any of its own land.

Mr. Bowen stated for multi-family use.

Alderman Gatsas stated or for single-family use.

Mr. Bowen replied no I don't...have they ever...I don't know. Have they since 1970 no.

Alderman Gatsas stated so there's been no land that septic systems have been used in the watershed that the Manchester Water Works has sold.

Mr. Bowen stated we have sold property, we sold property to the Town of Auburn for a police station.

Alderman Gatsas asked is that on a septic system?

Mr. Bowen replied that is on a septic system yes.

Alderman Gatsas asked is that on the watershed?

Mr. Bowen replied yes it is. But, does it meet the setback requirements that are in there, yes it does. We're not precluding septic systems. Septic systems are allowed within 125 feet of wetlands and we're not proposing or suggesting that that change.

Alderman Gatsas stated so let me ask the next question. I think there was discussion at the corner of Londonderry Turnpike and Wellington Road about a grocery store going there...that would be precluded.

Mr. MacKenzie stated that would be allowed.

Alderman Gatsas stated that would be allowed over research and development.



Mr. MacKenzie stated yes.

Alderman Gatsas stated because there's not much parking and there's not a lot of asphalt in a grocery store.

Mr. MacKenzie stated again the asphalt would have to be...

Alderman Gatsas stated a lot of cars going in and out or leaking any of that thing that's going to...okay, I was just checking.

Alderman Shea stated I'm going to take an entirely different approach...maybe there will be some alienation in the audience but I'm for the Massabesic Lake to have clean water. I represent people who are concerned about the content of the water as it presently exists simply because we've added certain components to it but I think that whatever we can do to ensure that the people in Manchester and the people in Auburn and other people drinking and taking part in the water supply that we have at Massabesic Lake, I think we should do all in our power to make sure that it's as clean as possible. We drink that water; we bath in that water and therefore the less contaminants that we have the better off we are. So, we've heard excellent arguments this evening concerning protecting properties and so forth but I think in the final analysis that if we can do what you people have proposed to do and ensure that the people now existing in businesses will continue to be grandfathered in but we can also ensure that other types of businesses that will impact the quality of the water at Massabesic Lake that we should do all that we can to make sure that we don't allow them. Thank you.

Mayor Guinta called for those wishing to speak.

Mary Feeney, 1914 Lake Shore Road, Manchester, NH, stated:

Have lived at 1914 Lake Shore road for about 15 years. I don't think anybody here in their right mind wants to have bad water that's pretty obvious we need some protections. I came here to ask specifically when septic might be available on Lake Shore Road. It seems to me shortsighted that all the homes along the very front looking at the water do not have city sewer with those protections. I was just curious if there was any kind of a schedule that would give us some hope down there on Lake Shore Road that we might have city sewer. I guess I got deferred...does somebody have an answer?

Mayor Guinta replied it's a public hearing so we need to just have public comments...just for clarification I'll ask Alderman Pinard and then we can follow up in a more formal fashion.

Alderman Pinard stated from what I know I've been with DOT, I've been with Audley, I've been with engineers and don't sleep and all that jazz...they're working very hard. With the delay of three years because of a certain company and they're trying to catch up and if you go on Candia Road right now you'll see three or four crews. Hopefully, the main line up to Hanover and Candia Road will be done this season. Next season it will be from there to Industrial Park and then. Within the next three to five years they should be branching out on your road and some other roads in the area. I'm hoping five years will be the target because I've lived there for 40 years and I've led drive after drive to get sewerage over there. So, I pray they can live long enough to see the people out there get sewerage.

Ms. Feeney stated one quick question...this might be really possibly silly but impervious structures...if I were to extend my gravel driveway that wouldn't meet the criteria, right...impervious means asphalt/hard. Correct...thanks so much.

James Dubois, 1744 Lake Shore Road, Manchester, NH, stated:

I don't currently have a paved surface on my driveway. I was looking to put one in, does this mean that I won't be able to. Can you show me where Friend Street is on this map...I can't see it or even Lake Shore Road would be nice...I can't even see that.

Mr. MacKenzie stated this is Lake Shore, wraps around...Friend Street is right here.

Mr. Dubois stated so Friend Street is currently complete within that Overlay Protection. So, this would mean that I would not be able to put a finished driveway in at some point, is that correct?

Mr. MacKenzie replied I'm not sure if it's normal to respond to all the questions.

Mayor Guinta stated as a public hearing we really can't comment or respond to questions. What I can do is maybe have Mr. MacKenzie run down the list of exemptions just to clarify so it doesn't become a Q & A because the purpose of this is a public hearing only. We do have a referral to a Committee this evening that is meeting this evening that can, if it so wishes, take testimony or Q & A from the public. This proceeding is specifically to hear your comments in favor of or opposed.

Mr. Dubois interjected it's kind of important to know.

Mayor Guinta stated that is why I am going to ask Mr. MacKenzie to run down the list of exemptions again.

Mr. MacKenzie stated again about 95% of the cases everybody will be able to pave their driveways. There will be a few instances...if you are within 50 feet of a stream, if you're within 50 feet of the lake or if you're within 50 of a wetland you may not be able to put in a

full driveway but I don't remember in your particular area I don't think there's any streams or...

Mr. Dubois interjected no you're correct.

Mr. MacKenzie stated so in your particular case you would be able to do it.

Mr. Dubois asked could you clarify more on the domestic laundry and cleaning if unsewered, what exactly does that mean?

Mr. MacKenzie stated I will do it more generically...that is for a commercial cleaner like E & R Laundry. If they were having a large operation going in...they do have some fairly difficult chemicals to deal with so it's not like you're doing laundry in your own home...this is a large commercial laundry.

Mr. Dubois stated H-6.1 says domestic.

Mr. MacKenzie stated E & R is considered is considered a domestic cleaner this is not related to household.

Mr. Dubois stated okay thanks...I guess that pretty much covers it. Thank you.

Will Infantine, 89 Winward Lane, Manchester, NH, stated:

I'm also the State Representative for Ward 6, which encompasses a majority of the area we're talking about. Some of the concerns I have tonight have been expressed by a number of you so I would like to at least outline them. First of all having to do with the ordinance, the grouping of the items. The C-2 through M-3. I have concerns while I'd like to always keep the fresh water and a clean environment for us I have some issues with C-2 building contractor yards, outside storage...I don't understand what concern there could be there. I do have an issue with D-6, the research and development...I don't see what the issue is...I think it should be added if unsewered as in the previous ones above and I don't understand M-2, accessory outside storage ind...the other issue I have is with the no impervious services or septic systems. I heard that there is consideration that you'll be removing septic systems and considering eight something percent of this area is residential although a lot of it is sewerred if someone has a septic system that fails they need to be able to build a new one and you can't build a new one on top of an existing one and if they don't have an extra 50 feet you would render that house useless. I know you can go in front of a variance but I think we should be very careful in how we word that. Also, when it comes to wetlands I'd like to see the ordinance be specific as to which wetlands they're talking about. Are they talking about the New Hampshire DOT wetlands and what class...we have I, II and III classes of wetlands...whether they're 25 year wetlands, 50 year wetlands or 100 year wetlands. I think that should be very specific. We need to look at the situation with the driveways because by

New Hampshire law a driveway is an automatic approval for a driveway permit. So, if the New Hampshire Wetlands Board believes that's all right then I don't see why we believe that you shouldn't be able to pave that driveway. I can understand a large parking lot but I don't understand a driveway. Other than that I am in favor of protecting the wetlands but a lot of those places way, way up there...I'd love to see a drop of water up on Currier Hill to see how it eventually gets to the lake. We need to protect our natural resources as well as protect the rights of our property owners. So, I'd appreciate if you could take my comments into consideration. Thank you.

Michael McEneny, 153 Fleming Street, Manchester, NH, stated:

A couple of points here...you talked extensively about petroleum products and you do probably have some problems up there and some problems you can get around and keep away from and by the way I want to compliment you on what you had to say about water...I moved here 20 years ago, I spent thirty something years with the airlines and then with the military and I've traveled all over the world. I moved here...one of the major reasons is because you had one of the best...some of the best water in not only the country but in the world. But, if you...all of you...if you look at the last 20 years year-by-year and look at the stats on the water of all the components you're going to see that this whole thing is degrading both heavy metals and salt, etc. Now, up on the north you had some dialogue you were talking about this up around Fleming...that's all ledge up there...I know that for a fact because everywhere they blast...so when water goes into ledge...do you know where it goes...it heads south with gravity, it is anything going on up there that you folks are discussing it's going to end up in Massabesic...there's no way around it and if you were to blow a hole in up there 50 feet deep in Currier Hill and hit that ledge I guarantee you the first rain it's going to fill up but then it's going to go down and it's going to end up down there. Now, a couple of things here...I don't know how many power boats you can allow on Massabesic but not only yes a certain amount of gasoline is going to evaporate but the other component grease and oils they're going to the bottom. So, that's up to you...how many you want to leave there...another issue that I've discussed with Frank Thomas at length is salt. I just want to read one thing I pulled off the web...deliberate massive use of salt renders the soil unsuitable for cultivation thus discourage habitation. The Romans did it in eight days with Carthage, I think we're taking about 50 years here in Manchester...that doesn't mean you just wipe out all those areas and tell Frank Thomas you can't put salt there but there should be some salt-free zones. On a winter day they'll come through my neighborhood down Fleming and go make four passes with that hopper running. There's got to be a reasonableness of just how much you want to proliferate your water supply. This is a great gift and you talk about land values...I guarantee you if this thing keeps degrading that's going to hurt land values not only in the immediate area it's going to take everything, all the areas that use water off something that you have that was pristine, it's not bad yet but it's getting there and I hope you can...like I say with the salt and these other issues that you really dig into this thing. Thank you.

Michael Pinard, 32 Jacob Avenue, Hooksett, NH, stated:

My main concern is that H-6.1 domestic laundry and cleaning if unsewered...I have a piece of property behind Currier Hill and the majority of my property is in Hooksett and I have about 2.5 or 2 ¾ acres in Manchester and the City of Manchester told me that I receive my services from Hooksett so I didn't know if it was appropriate that they regulate my land because it's regulated by Hooksett as well. So, I'm confused on who I'd go to for permits...as with the domestic laundry business I would like them to say that it is commercial domestic laundry then there would be no questions what domestic means or it's commercial domestic and I'm just not sure if Manchester should be regulating me because I have access only through Hooksett. I don't know how I would get an answer for that.

Mayor Guinta stated I think what we're going to do is take all the public comments, all the questions from the Board...refer everything to Bills on Second Reading and they'll probably be a recommendation in Bills on Second Reading to table this item. So, any of the additional issues that have not been answered can get answered, a report would then come back to Bills on Second Reading and it would further allow the public an opportunity to speak in Bills on Second Reading and have more of a dialogue with the Committee prior to any action being taken. So, after speaking with Mr. MacKenzie and the Chairman of the Committee on Bills on Second Reading that vote will likely occur.

Mr. Pinard stated then you'll set another date for another public hearing.

Mayor Guinta stated it wouldn't be a public hearing, it would be a public meeting at Bills on Second Reading which is open to the public and it sounds like at least in discussion with the Chair there would be an opportunity for any member of the public to come and ask questions of the Committee.

Mr. Pinard stated thank you.

Alderman Gatsas stated certainly I understand it's going to Bills on Second Reading but I would think that we would have, allow the public an opportunity to question the Planning Director and Water Works at some public forum so that they can get some answers for clarity because I know they're giving us their input but I think before they can give you the input I think they're looking for some answers to be addressed with what some of these issues may be and I don't know if they've had that public forum yet or not.

Mayor Guinta stated I would expect that at the next public forum they could get those answers would be at Bills on Second Reading before any vote. Again, I spoke with the Chair...his support lies in tabling this issue so there is no action this evening so we can get a couple of things...an additional report from Mr. MacKenzie on any issue that was brought up by this Board or any issue that was brought up by the members of the public. For example, the last question on changing or adding commercial...I think would be a

recommendation from the public...we're going to hear from Mr. MacKenzie whether that change should be adopted and we would hear that recommendation at Bills on Second Reading. I think at that point the gentleman and anyone else...it would behoove them to come to that meeting and have that additional dialogue with the Committee before the Board votes.

Alderman Gatsas stated so are you saying that they'll be able to come in and ask the Planning Director and the Water Works Director direct questions.

Mayor Guinta replied yes.

Alderman Gatsas stated so it is a public hearing.

Mayor Guinta replied it's an opportunity for the public to ask questions...whether you want to call it...it would be a meeting of the Committee on Bills on Second Reading.

Alderman Gatsas asked how were they notified this evening about this meeting?

Mayor Guinta replied by letter.

Alderman Gatsas asked can we assume that they'll be notified by letter again the next time that there's a Board meeting that they can address the Water Works and the Planning Director or do we just assume that they're going to have to watch?

Mr. MacKenzie replied that was a mass mailing at considerable expense and staff time between Planning and the City Clerk's office of 1,800 notices that went out. I was not anticipating that we would notify all of those owners again.

Mayor Guinta stated we could publicize when the next Bills on Second Reading meeting would be through the media.

Deputy Clerk Normand stated we also have the addresses of those that are speaking tonight.

Alderman Pinard asked is there a reason why like Mr. Pinard asked a question why Mr. MacKenzie could not answer instead of having these people come back again in a month...they're asking questions now why can't they have an answer tonight?

Mayor Guinta replied on some of them I think they did get answers...probably not every question can't be provided with an immediate answer which is why I'd like the report from Mr. MacKenzie to address every issues that was questioned or presented by the Board and by the public.

Alderman Pinard asked could he answer some of the questions because some of these people are here tonight and it's probably a hardship on them to come back for a second time...I'm sure Mr. MacKenzie is capable of answering several of these questions.

Mayor Guinta stated everyone who is here we have an address and we can mail them the answers...we can speak to them by phone and this is clearly an issue that has a long-term effect on a lot of people so my recommendation and Chairman Duval's position would be to at the very least postpone a vote and make sure we get every question answered. Whether it's by phone or by mail or both. My intention at least is not to rush a vote here on this issue.

Alderman Smith stated thank you, your Honor, I agree with you. Could we with the Chairman of the Committee set a date a month from now so everybody knows the date and time of the meeting and they'll all know first hand...would a month be ample time for the Committee and the Director of Planning?

Mayor Guinta asked is that enough time for you, Mr. MacKenzie?

Mr. MacKenzie replied that's enough time for me, your Honor.

Alderman Duval stated I certainly think if it would be the will of...although we haven't met yet but I would recommend to the members of the Committee on Bills on Second Reading that we take whatever time is necessary to address each and every concern that has been raised tonight and those that come up along the way that there's information that has been requested by a number of Board members that needs to be responded to as well. So, as the Mayor pointed out there is no rush to vote. This is a really significant issue the Committee's going to consider and I'm sure the Committee will support tabling it until we get the necessary information and communicating back to ward residents that raised really important questions and if it takes 30 days or 45 or 60 days we'll take whatever time is necessary to respond to them I believe.

Mayor Guinta stated setting the date I think is your issue so at Bills on Second Reading tonight could you.

Alderman Duval stated we'll set a date at that Committee.

Alderman Smith stated in all fairness to all here.

Mayor Guinta stated absolutely.

Alderman Smith stated thank you.

Alderman DeVries stated I would just remind you I think there may be an individual still from the audience and we need to go back and ask if anybody else wanted to speak.

Mayor Guinta stated I'm still getting to that because we have some questions from the board. Is there anyone else wishing to speak in favor?

Vince McHugh, 2076 Lake Shore Road, Manchester, NH, stated:

I'm actually glad to see that we're concerned about the protection of our drinking water. One of the issues I'd like you to consider as well is the land that's being used as a staging area where the wetlands have been filled in over there...that water now runs through my septic system into your lake. So, because of the change of how that water was unnaturally rerouted through my land it now goes through a temporary ditch across the front of my property, over my leach field and drains into our drinking water. I'd like that to be looked at and see if we can address that. I have the pictures and the video to prove it. So, I would like that to be addressed as part of this. Thank you.

Alderman Gatsas asked did he notify the Water Works of that?

Mr. McHugh replied we have been fighting for this thing...newspaper articles, Real knows about it and we've been fighting with the Building Department over this...we've watched the trucks who work down there...we're all concerned about the oil, I've seen lines of trucks being serviced at night...I'm the house right next to that area and they service the trucks there at night and then the water sweeps through there and washes it into the lake and nobody is addressing this. We've been fighting this for a year and a half maybe now. I think Real knows about it...nobody's been willing to hear about it. But, the wetlands were filled in, they got a contract from the state two months after the work was done do to that and the topsoil had already been removed and trucked off to Merrimack before the DES inspected it. All this was done...who regulated this...nobody because they say you can't fight City Hall. Well, we've been trying to and nobody's been listening and now that you guys are concerned about the Water Works we have real problems. We finally had Paul Metcalf dig a ditch to stop the water from flooding...seven inches of water flooding over my land onto my septic system. He finally dug a ditch to make it go around the front of my yard...will that ditch still be there when this project is done? What's going to happen to that land when the project is done because they built it up and now instead of going to wetlands and filtering back through the wetlands behind there and cutting across and having all that filtering system that hardpack now just runs all the water runs right off and goes across my land right through my septic system and that's what you and I are drinking.

Mayor Guinta stated let's address the specific issues. We need to move on with the public hearing and I'm certainly happy to have you speak with the constituent after...I will as well because unfortunately this is the first I'm hearing of this issue.



Mr. McHugh stated I'm available...I'll hang around afterwards. Thank you.

Mayor Guinta called for those wishing to speak in opposition.

Clifford Harris stated I'm from Prudential Verani, I'm representing one of my clients here tonight who lives at and works out of 2140 Candia Road...Frank Purdy is the individual I work with. Opposition, opposing and for...we're definitely for protecting of the water around the lake that's the far most important thing. However, we're in opposition of what we have outlined here as the things that are being outlawed or ordained as not being allowed in that area. Right now, the 2140 is located in this area right here, right next to the traffic circle and as we look at it that is the B-2 zone and in the B-2 zone currently we have...there's a gas station, there's a car wash and I think it was mentioned a little bit earlier, I think Bob had mentioned that car washes...I think car washes today now recycle if not 95, 99% of their water. So, car washes are in a part of recycle their water and this new car wash that was installed in that general area does recycle their water. So, their water does not go into Lake Massabesic, it's all being recycled. The new sewer and septic systems that have the sewer system that's being installed there along with the catch basins I think are designed to now remediate and catch a lot of the water that's being runoff in that general area. So, I perceive that there is a way to protect Lake Massabesic by just general contracting and general things that are required these days. We have rubber membranes that have to be put in underneath driveways, underneath buildings. You also have rubber membranes that need to be acquired for allowing the areas being built. You have groundwater testing; they can test the water in that area. So, it seems as though the restrictions that are being required here are quite extensive. I think there's a lot of things that can be done as far as to protect, monitor and not be so extensive as far as restricting all these different businesses that can be done in that area. Highest and best use of that area right next to the highway is to have a lot of these areas such as sales and services of boats, heavy equipment because it's easy on, easy off of the highway and that's a great area to have that so people are not tracking in and out of town way up by East Industrial Park Drive and trying to drive all the way down that area. Lord knows that you can have another accident and tanks spill over and now you've got a large waste in that area. We mentioned a lot about the homes in that area and I guess the concern that I don't see really in this ordinance is anything that addresses...it was mentioned earlier roadway salt...that's a major thing. You have residential oil; you have residential gas in those areas. You also have pesticides from the landscaping...pesticides and fertilizers, which are not addressed as well. There's a lot of things that do cause runoff and they do run into the groundwater and they will end up in the lake as well but that's not mentioned in here as well. We're all for protecting the water...that's the far most important thing...but I think in looking at the ordinance I'm looking at what's being restricted. I think the restrictions are not detailed enough as far as allowing any kind of use in that area and not looking at it totally. I think the businesses in that area will suffer dramatically because they won't be able to utilize their businesses and their land that they have currently.

Henry Camirand, 60 Reading Street, Manchester, NH, stated:

My concern is some of it has been answered but I didn't read anything in the paper or in the ordinance that anything was grandfathered in, which is the reason that I'm against it. Also, my other concern was it is a septic tank and it's been there for a little while...what happens if that goes down, how is that going to be handled? If my septic tank gives out and you have to replace it I'm very, very close to the watershed land over there. It may not be 50 feet but how is that going to work...are you grandfathered in or you're not. The gentleman just said we're probably talking five years from now. So, that really is a concern for me. And, the third thing is I think the ordinance itself is not detailed enough and needs some work. Thank you.

Donna Pinard, 60 Reading Street, Manchester, NH, stated:

The speaker was not present.

Kevin Phelan, 1378 Wellington Road, Manchester, NH, stated;

I guess I don't have so much of a question more of a comment and concern. It seems to me as though the area in town that needs sewer service the most is the one that doesn't have it and if we really want to be serious about protecting the groundwater it sounds like it might make sense to push that forward. I live on Wellington Road...most people think that it's a residential area they must have sewer down there...no, we don't. We're all on septic. I also have questions about how far this ordinance will reach. I find that the documentation tonight appears to be incomplete. I'm wondering...I wash my car in my driveway that is being runoff right into the storm drains, is that something that will be prohibited. I spray every year twice for carpenter ants and J. P. Chemical comes out...will they be prohibited? I'm just wondering how far reaching this ordinance will be and what it will mean not only to property values but everyday life in that area of town. So, I look forward to the next meeting and maybe some answers to some of these questions.

Any Vogt, 154 Fox Hollow Way, Manchester, NH, stated:

I'm not in the proposed Overlay District at all. I don't own property in the Overlay District, I never have and I don't plan to so I don't really have any vested interest in that other than I want clean water like everybody else in the City. I get my water from the City. My concern is with what most people have mentioned today. The ordinance seems not fully thought out, incomplete and unclear in many respects. One of the biggest concerns is with the restrictions on possible paved driveways a mile from the lake at the same time you're allowing boats on the lake, motorboats. What's the common sense there if you want clean water? That's just one of the concerns and I'm just echoing a lot of the other concerns. No vested interest other than clean water like the rest of us.

Deputy Clerk Normand stated that all we have signed up, your Honor. The Clerk would just note that correspondence from David Campbell to Louise Donnington regarding his opposition to the 50 foot setback from wetlands has been passed out to all Board members

and also the correspondence from Colin Egan to the Planning Department requesting that his property be diverted out of the watershed area which was also distributed to Board members.

Mayor Guinta asked is there anyone else wishing to speak in opposition?

Deputy Clerk Normand noted there were two other individuals who signed up to speak: Jim Kenney, 991 Candia Road and David Scarpetti, 27 Cindy Drive, Hooksett, NH 03106.

The Clerk presented the second proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

Mayor Guinta requested Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated the next item is also an Overlay District. This particular zoning change is being required by the State of New Hampshire. It deals with the area of the landfill. Joanne McLaughlin is here tonight from the Public Works Department to answer questions. But, generally let me just orient you...here is the Everett Turnpike. This is the location of the City's former landfill. The Overlay District would cover the landfill, several homes on Liane Street, the area...this is the Vocational Technical building. There's a few buildings on Delia Drive and there's properties on Stark Lane. The essence of the ordinance is that these property owners would not be able to pump water out of the ground or use such as domestic use or irrigation. And, that's basically a health protection for those owners so that they will not get any of the potential contamination from the landfill site. I would note that I don't believe that we're aware of any actual in-ground pumping. All of this area is served by the Manchester Water Works so they do have access to good, safe water. At this point I wanted to see if Joanne had any other comments.

Ms. Joanne McLaughlin, Recycling Coordinator, stated just to reiterate that the purpose of the groundwater management zone is to restrict the use of groundwater within that area. It is prohibited in the interest of public health and safety. The area is contained and constrained by monitoring wells, which we sample three times a year. Again, it's just to restrict the use of groundwater in the area. Everybody has city sewer and water available to them. So, pumping of groundwater should not be an issue anyway.

Mr. MacKenzie stated that's all we have, your Honor, unless the Board had any questions of us.

Alderman Forest stated for one this is the first I hear about this so I'm sort of surprised with all of this but the question I have...all the money that the City of Manchester and the

Aldermen have approved over the years to line that landfill...I know it's lined with rubber membranes from Dunbarton Road all the way to 3A.

Ms. McLaughlin stated it's actually capped...it's not lined on the bottom, it's just capped.

Alderman Forest stated it's capped so that all of the groundwater that's at the landfill goes to a certain area and then whatever when they capped it.

Ms. McLaughlin stated the groundwater exists underneath the landfill and there are contaminates associated with that groundwater.

Alderman Forest stated the questions I have I guess is when did all of this come about as far as the state requiring us to do this all of a sudden?

Ms. McLaughlin replied the state required the landfill to be closed a number of years ago. In 2003 the landfill cap was completed, in 2002 the City of Manchester received a groundwater management permit from the state. Part of the statutory requirements of that permit is to identify the area that is subject to the contaminant plume...so, this has always been a requirement, it's a long overdue requirement.

Alderman Forest stated another question I have in reference to groundwater...there's a lot of catch basins that Highway put in over the years that literally are piped into the river. So, now they're telling the neighborhood...about groundwater I understand they all have city water and all that and I know a couple of people have some wishing wells in their yards but would this affect all of the catch basins that literally go from Front Street to Hooksett?

Ms. McLaughlin replied they don't really intercept the groundwater table.

Alderman Forest stated they don't...well you've got to look at some that are not seen.

Ms. McLaughlin stated it's something much different from the groundwater table.

Alderman Roy stated the map that was just shown regarding Lake Massabesic seemed to follow geographical contours and elevations...this seems to follow property lines.

Ms. McLaughlin stated it does it follows tax parcels and it's as close as we could get to those wells that have indicated a non-detect in the wells which is clean water so the boundaries are constrained by where the clean water is so in essence it's encompassing the whole contaminant plume. We use property boundaries to do that.

Alderman Roy stated so you went out and tested every property that's shown on this map.

Ms. McLaughlin stated we have wells that are located around the perimeter of that.

Alderman Roy stated property that I'm just surprised is ruled out is 1370...that seems like water.

Ms. McLaughlin stated I would have to look closer at the tax map to understand that particular parcel. Maybe one corner of the parcel is included. I don't know that.

Alderman Roy stated I would just have concerns that when it comes to groundwater it doesn't necessarily travel in property line directions.

Ms. McLaughlin stated absolutely not. But, this is a way to facilitate drawing the boundary because that's as close as we can get. We have perimeter wells that we know are clean or not clean so we drew the zone dependent on that. We know which way groundwater flow direction is so we know it's going to go downhill.

Alderman Roy stated so not that I want to open a can of worms but are you basically saying that the monitoring wells along F. E. Everett Turnpike are contaminated and you know groundwater's moving in this direction and contaminated.

Ms. McLaughlin stated correct.

Alderman Roy stated whereas these properties down here though closer to the landfill those monitoring wells are showing no contamination.

Ms. McLaughlin stated that's right because the groundwater is flowing away from those properties and toward the river...that is the way the direction of groundwater flow is and therefore the contaminant plume.

Alderman Long stated you monitor the wells three times a year have they been elevating as we've been moving forward.

Ms. McLaughlin stated actually since the cap has been completed we've seen a diminution in the levels of contamination. It's dropped because you don't have groundwater infiltrating and therefore carrying the contaminants off.

Alderman Long asked for how long have we been seeing this?

Ms. McLaughlin replied since it was capped in 2003. We had had, I believe a monitoring program has been going on since well I know that in 1991 they were drilling wells, so we've had that kind of control since then so we know what the groundwater is in that area.

Alderman Long stated as far as they monitoring wells are they just on what used to be the dump or are they on Front Street.

Ms. McLaughlin stated they're on Front Street, on Stark Way, Stark Lane...so we have quite a few out there. We also have two wetlands sampling stations within the wetlands up there and we have two Merrimack River sampling stations that are also on the outsides of that plume.

Mayor Guinta called for those wishing to speak. There were none.

Mayor Guinta called for those wishing to speak in opposition.

Richard Belisle, 359 Stark Lane, Manchester, NH, stated:

First, let me explain the opposition since we hadn't really received a lot of information as to what was going to be discussed here. I wasn't sure which way to put it down. I do have a few concerns with this. One is that this is really the first time after living there for 23 years that I heard that I hear that my property is contaminated. Second of all, if this were to pass I'd like to see some type of information distributed to the residents in this area as to what types of contamination are flowing underneath their property and then some consideration just like the previous zoning ordinance as to the property values because let's face it how many people are going to want to move into this neighborhood or buy your house when they say it's in a zone that establishes that you're living on contaminated property. I have no opposition to monitoring and trying to do something to correct this problem but I don't see anything in this that actually addresses the problem with corrective action. It's simply telling us that you can't do things with your own property because this material is flowing through it. There's been no suggestions as to what can be done to repair the damage that has been done. Thank you, Gentlemen.

Curtis Schelzel, 299 Stark Lane, Manchester, NH, stated:

I've been a resident there for 28 years. I'm concerned with the same issues that Rich just spoke about. I'd like to say one issue that you have categorized everyone in this zone with living in a contaminated area which does affect our property values and the recent evaluation does not show that. People with children are going to want to buy a home in an area that's considered a recreational area and we have no information whatsoever of what's going on with the groundwater below us. Another issue is it's similarly parallels what happened to me in 1990. I liked my house so much I bought it twice...a divorce. When I went to the bank the bank refused to give me a loan because I lived in an unaccepted street...one third of the streets in the City of Manchester are unaccepted. This is only because we are a turn-of-the century City. But, now we've put another category on top of this when I go to sell my home that if the bank looks at this with lack of information, which we all have at this point...,am I in the "Love Canal" zone of something and I can't sell my home. The banks do not look at anything other than from a negative approach and as most people know that have worked in

construction their whole life that nothing gets done without a proactive approach in any situation. And, any governing body should take a proactive approach to anything that happens and find a resolution to a problem rather than just say no there is a problem and we're not going to do anything about it. So, for clarification purposes I think everyone that's in this green zone should be informed of what is done and then what is the City going to do about it. The Dunbarton dump/landfill was the property of the City, it was capped and I assume it was capped in accordance with federal guidelines...the groundwater is an issue that no one foresaw when the landfill first started but it's there. It is going away from I just heard in a statement which pleases me and I am pleased that the City is finally looking at this but on the other hand I don't want to be categorized in a zone that hurts the value of my home and I hope someone will take that into consideration with my taxes if they do so decide to put me in a category that the rest of the City of Manchester is not in but simply they can change this by making this presented in the proper fashion that we don't have groundwater contaminants that are disastrous. When you first look at this you say I am on the "Love Canal". So, the presentation of it has everything to do with everything on the values of homes. So, I hope you'll all take this into consideration. Thank you.

Paul Rumfelt, 240 Stark Lane, Manchester, NH, stated:

I do have a pond in my backyard, my dog's in there constantly. I also do have some vegetables growing and I don't know if that would be bad or good. Like I said there is one of those monitoring wells just on the other side of my property. I have gone down when I've seen them testing and asked what they were doing and they said just monitoring the water and I asked them is it bad and they could never answer me. So, once again it would be nice to know what's in the ground.

The Clerk presented the third proposed Zoning Ordinance change:

"Amending the Zoning Ordinance of the City of Manchester by revising the CV (Conservation) zoning district boundary along the Piscataquog River."

Mayor Guinta requested Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated in 2001 when the City adopted a revamped Zoning Ordinance the Aldermen asked that several conservation zones be designated. One of those zones was in the Piscataquog River area. Basically, the intent was to take the existing parkland that the City owned and designate that as conservation land. A couple of Aldermen may remember that. That was done at the request of the Aldermen. Since then we have gotten much more accurate mapping in our new Geographic Information System or we can really overlay the Zoning Ordinance with all the properties of the City...something we couldn't do well before. So, the intent of this ordinance is really technical clarification. The dark green here as you can see are all City properties that are intended for park use. Previously there were a few properties and portions of other properties, which were blanketed with a conservation district but were not City property. There were, for example, three properties at the very end of

Head Street where I'm showing right now one, two, three properties that were privately owned but they were designated CV. So, this is to correct those, to clarify those with out new mapping and clarify very specifically the boundaries only apply to the City properties and not to the private properties. Again, some of these private properties while we're not aware of any problems that they may have been faced with if they wanted to put a major addition on to one of those properties they would have had to have gone for a variance. So, again, the intent here is to clarify the conservation area...it's only City property and we're drawing the lines to exclude those existing private pieces.

Mayor Guinta called for those wishing to speak in favor.

Timothy Lambrou, 840 Douglas Street Ext., Manchester, NH, stated:

I guess I kind of didn't do my homework but in regard to this Zoning Ordinance change...this conservation zoning...at that given time there was conservation zoning in back of my house up to the ice arena but then we rezoned it R-B1. Now, does that affect any of what we've got now or does it stay the same? Can anybody answer that?

Mr. MacKenzie replied if it's private property, it stays the same, it stays residential.

Mr. Lambrou stated one quick fix here...I was told and I guess it's not on the agenda tonight but across the street from my property there's a proposal coming up to put a football field there and I've just been getting this on the outside and haven't heard anything. Is that something that's coming across the board here shortly? This is why I'm here tonight actually I thought that's what it was about.

Mr. MacKenzie stated that is not at issue here tonight but yes Parks and Recreation has requested funds and are beginning some design work for a football field or a general purpose field in the area of the Jr. Deb fields. But, you would probably contact Parks and Recreation Department and get more detailed information.

Mr. Lambrou stated okay and with that one other thing...will we be notified, all the abutters down there in regards to this when this comes through?

Mayor Guinta replied we're just in the planning stage, development stage on that issue...is that fair to say.

Mr. MacKenzie stated yes it's in planning stage and that's really up to Parks and Recreation and perhaps the Aldermen as to whether there would be a neighborhood meeting.

Alderman Thibault stated Tim I don't think it's going to affect you at all but Bob can I ask you are we talking about across the railroad tracks on the east side of the railroad tracks or are we talking about where the Jr. Deb is?



Mr. MacKenzie replied it's behind where Jr. Deb is, it's not on the opposite side of the tracks, it's not to the east of the tracks.

Alderman Thibault stated I don't think it will affect you at all Tim. Isn't it more where the stump dump was down in that area where they put all the dead trees and branches?

Mr. MacKenzie stated I'm not sure where the stump dump was.

Alderman Thibault stated I don't think it will affect you Tim but I'll keep track of it and I'll let you know if anything happens.

Mr. Lambrou stated one more thing when you say the east, the east would be affecting me...it's right on top of my driveway. You're talking about the stump dump...it's on the west side against the Piscataquog River is.

Alderman Thibault stated where the baseball fields are now.

Mr. Lambrou stated right the Jr. Deb field, the ice arena's there. What I've been told is the proposal for this football field is going to be right on top of my driveway which is where they're doing all of the construction and storing all of the material there and was brought forth to me in the last several weeks that that's where the future football field is going to replace West is going to be. But, I was kind of concerned that I didn't even get a notice and this is what I thought this was about this evening. But, I hope that down the road when they do do something with this the abutters do get a notice is all I'm asking for. With that, thanks.

Mayor Guinta called for those wishing to speak in opposition. There were none.

The Clerk presented the remaining proposed Zoning Ordinance changes:

“Amending the Zoning Ordinance of the City of Manchester by changing the expiration period of variances, special exceptions, and conditional use permits in Article 15.03 to be consistent with the expiration period in Article 14.02.”

“Amending the Zoning Ordinance of the City of Manchester by inserting additional language into Article 6.10 Special Lot sizes in the R-2 District for clarification and consistency with the original intent of the special lot sizes in this district.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.09B 2 regarding the use of front yard areas for parking in residential districts.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”

“Amending the Zoning Ordinance of the City of Manchester by revising the definition of Lot Width in Article 3.03 Definition of Terms.

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 9.07 to restrict the location of electronic message boards and flashing signs.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.06(C) regarding required loading spaces.”

Design Guidelines for the Arena Overlay District.

*(Note: technically not part of Ordinances but submitted for Board consideration.*

Mayor Guinta requested Robert MacKenzie, Director of Planning and Leon LaFreniere, Commissioner of Buildings, make presentations.

Mr. MacKenzie stated I will if the Board does not mind I am just going to kind of run through a quick summary of all of these. This is the balance of the zoning changes. Mr. LaFreniere is here...these changes came from either his staff or my staff. There are a number of changes that were considered necessary since the last major update, which was in 2001...that was five years ago. The first one is to clarify that there are certain sections of the ordinance that perhaps conflict a little now. There's expiration dates for variances, special exceptions and conditional use permits. There are a couple of sections that refer to a two-year and other sections where they refer to one year. I think all three refer to one year...there's a couple that in other places refer to two. So, the intent here would be to make all of these consistent with a one-year approval, which was the way that prior to 2001 they were all one-year approvals. The second item...Special Lot sizes...this one in the R-2 District there's a special dispensation for smaller lots of 5,000 square feet...that they can have a single-family home even though it's normally a two-family district you can put a two-family home on a 6,500 square foot lot but there's a whole lot of old 5,000 square feet lots in the area that the Board grandfathered a few years ago. This is just a clarification in wording to avoid perhaps some of the ZBA cases to indicate that existing vacant lots and developed lots of 5,000 square feet can be grandfathered and can get single-family homes. Revision to front yard parking...this is basically a change that allows one additional parking space, which is not allowed right now. One additional parking space beyond the required front yard. So, if you have a driveway, if you have a garage and you have one parking space in the garage, if you have a parking space in front of it those are currently legal...now, you can have one more space somewhere else on either side of that driveway or attached to the driveway as long as it's not in a required front yard. Revision to the Table of Accessory Uses...which one was that, Leon...unregistered automobiles. This is a request by Building to help clarify...there's a lot of situations and I think a lot of Aldermen have run into the issue with a lot of cars that appear abandoned in yards. This is to say that unregistered vehicles and otherwise non-roadworthy...you can only have one of each of these categories. So, you can't have a whole field of either unregistered or non-roadworthy vehicles in your yard. Revisions to Definitions...this is one is basically a clarification of lot width. The

wording is changed slightly to say that basically they're going to measure lot width at the shortest horizontal distance between side lot lines and this is basically to make it easier for the Building Department to review a plan and make sure that they can easily determine whether it meets or does not meet the requirements. The next one is to...you're probably familiar with electronic message boards...there are number more in the City. The staff and particularly the Planning Board has had reservations about the impact of these on different parts of the City particularly where they are adjacent to residential areas and the recommendation is that they only be allowed in the B-2 District so that they would not be allowed in the Downtown District, they would not be allowed in the neighborhood but the B-2 District's...that's South Willow Street, Second Street, Daniel Webster Highway North, that's outside Hanover Street...they would still be allowed in those areas. The next one...revision to loading zone requirements...this particular one is to provide a little bit more flexibility in designating loading zones. Right now, there's a very specific wording that the Building Department enforces. This provision would allow the Planning Board to review it and in certain cases perhaps where they don't need as much loading...if it's a different use. For example, townhouse residential I think if there's a certain number they need a loading zone but there may be instances where you simply don't need those. So, this provides an opportunity for the Planning Board to review it in the site plan process and if it's not needed they can waive that. And, the final one...the Design Guidelines for the Arena Overlay District...these guidelines are basically designed to promote and protect quality redevelopment investment in the area around the Verizon Arena. Technically, these are not part of the Zoning Ordinance but they are referenced in the Zoning Ordinance. In essence the Zoning Ordinance says the Planning and Community Development Department "shall" adopt these guidelines which gives a clear idea of what we're trying to encourage in the area. Even though they're not part of zoning after review with the Solicitor's office we did feel that we should bring this to hearing anyway even though it's not zoning we should give the opportunity to give people to have a voice on this. I do want to see if I missed anything, Mr. LaFreniere.

Mr. LaFreniere stated I don't think you've missed anything, Bob. I'm certainly prepared to speak more specifically to any of the changes.

Alderman Shea stated I know that Alderman Osborne has expressed the same concern..."Amending the Zoning Ordinance of Manchester by adding language to Article 10.06(C) regarding required loading spaces." or parking in residential districts...could you please clarify what that means? I know that Bob said something but let me ask you a question. I have a front yard, which has grass on it now, can I take a second car and put that on a tarred area in front of my house, is that permitted?

Mr. LaFreniere replied under the current ordinance your very limited in terms of where you can park in front of a house and that's part of what we have been trying to address in order to recognized the fact that there is a need for additional parking in many cases not just in

single-family house situations but in multi-families as well. However, in doing this we spent a considerable amount of time trying to figure out how can we add some flexibility to the ordinance that would permit the situation that seems to be so common and where we have a single-family house situation that needs some additional parking space and they extend in the front of the house somewhat, however, we can't permit it because the current Zoning Ordinance doesn't have a provision for it. Yet, at the same time trying to create an exception that would not allow the type of situation that you just described where someone could just essentially pave their front yard and start parking there. So, the rationale behind this particular change was that the additional paved space that would be permitted wouldn't have to be in a driveway as the current ordinance requires it to be...a driveway by definition being the paved area that leads to a conforming parking space or a garage...but, it would have to be outside of the required front yard. So, the required front yard is that area that's essentially the setback. So, if you're in an R-2 zoning district, for example, with two-family zoning district...if you have a 15-foot front yard setback you couldn't put that parking space within the first 15 feet back from the front property line. In an R-1B district you couldn't put it in the first 20 feet. So, yes, you could put an additional space in the front of the house but you'd still have to maintain that green area for at least set back distance.

Alderman Shea stated there are certain sections of the City of Manchester where you know and I know this isn't going to take place. You know that before you do it. Is this spot zoning, spot ordinance or something...in other words, let me be frank with you...north of Webster Street you are not going to have people putting hot top on the front of their houses, you're not going to have that because they don't have the same kind of properties that we have in Ward 7. I'm constantly calling your department now concerning cars in front...if you talk about devaluating property this is going to devalue every property next to somebody that decides to put something in front of their house. I think that this absolutely...talk about an ordinance that's going to devalue a property...this right here is going to devalue property in my particular district, on my particular street. I would be totally opposed to this. This has no sense at all as far as I'm concerned. My concern is that we should allow parking but we shouldn't say to people with this ambiguous thing you can put parking in residential areas in your front yard areas. It doesn't make any sense to me. I've gotten calls...I don't know how many calls now so you're saying because your department is getting calls regarding this that this is one way to solve the problem. It's unintended consequences, it's going to result in so much devaluation of property and people that want their property maintained are going to suffer at the expense of those who don't care. I can't base this enough for Bills on Second Reading...this should be totally examined. The implications of this are so far reaching it's beyond description as far as I'm concerned by the way that you've explained it I'm still not clear. I still don't have a picture because different properties are going to have different types of front areas where they're going to interpret this differently and if there are several different people either listening to this or people that are going to be hearing it second or third hand all of a sudden you're going to have

contractors coming and putting in hot top in different areas of different properties and people are going to be so confused about this I don't think they're going to understand it.

Mr. LaFreniere stated we have frankly been very sensitive to that issue as well. This request to be quite candid came at the request...this proposal came at the request of some Aldermanic representatives who had been receiving a number of calls about constituents that were looking for a means of providing an additional parking space but weren't able to do so under the confines of the current ordinance situation. But, you're absolutely correct that there's a lot of potential in changing this particular section of the ordinance to have a dramatic effect on what things look like and that is specifically why this section...the proposal as it was put forward was limited to single parking space and it was limited to an area outside of the required front yard area. Currently, you're allowed to have that one parking space and it can actually be in the required front yard area. It has to be in the driveway that leads to another parking space. This particular change was designed to allow single additional parking space, it had to be in board of the lot far enough to be outside of the required parking and on paved area immediately adjacent to the driveway. So, this was an attempt to essentially allow a small amount of flexibility to gain an additional parking space. We tried to allow a little flexibility without letting too many worms out of the can, if you will. To change this section to allow for front yard parking in any case would result in exactly the type of situation you're talking about because we see it time-and-time again where people pave their front yards and that's not what this is trying to do. I would suggest that what may be of value to the Board and I can propose to bring forward some graphic representations of what this could mean. It's very difficult to explain this because there are so many different variables with regard to how far the house is from the street, where the driveway's located and that sort of thing but we could come up with some graphics that would better explain it and provide you with some insight as to what this would and would not allow.

Alderman Shea stated just a comment...the word "front yard areas"...that is a nebulous term because you have front yard areas that allow maybe for a little bit of areas but then somebody says well I don't have much green space but I'm going to keep two or three feet or two or three yards or whatever and I'm going to put this in my front yard. So, basically all you're going to have is riding down a particular street you're going to have different components of cars. Some families might have four cars, three cars and they decide that they don't want to put two cars in the garage, they want to put two cars in the driveway and one in the front yard rather than use the garage for a parking area so they store whatever they want to keep there. It just is too...to me it seems like this front yard area is very, very difficult for me to comprehend that people will understand it and I'm sure that if you ask each Alderman here they probably wouldn't have the same interpretation to a degree on that.

Mayor Guinta stated I think we'll get that additional information...I want to get to the other Aldermen who have points to be made.

Alderman DeVries stated one of my constituents did ask for some clarification so let me see if I can get that for him. The existing Zoning Ordinance...when would that have gone into effect, what year?

Mr. LaFreniere replied 2001.

Alderman DeVries stated so the existing ordinance pertaining to front yard parking spaces went into effect in 2001.

Mr. LaFreniere stated much of the language that's contained in the 2001 Zoning Ordinance was brought over from the 1965 ordinance which was amended over the years but the primary framework has been in effect for some time. But, it has been amended over that time.

Alderman DeVries stated let me see if I can clarify for you. This constituent's concerns is that he does own multi-family property in the inner-city and he has owned this property for in excess of 30 years. Already in existence when he purchased the property was several front yard spaces along with the complement of backyard spaces and that is required for him within his tenant concerns. He is of the understanding that what he has currently was grandfathered because it was in place prior to the Zoning Ordinance and that for him this is going to be a step backwards and be more restrictive than what he currently has. Could you address that concern for that constituent.

Mr. LaFreniere stated this proposed change would not have any effect on grandfathered situations and I can say with certainty that this is a less restrictive provision than the current ordinance. It is designed only to allow a relatively small amount of flexibility for that single additional parking space but it would not have any impact on the legally grandfathered parking situation.

Alderman DeVries asked what would happen if he can not prove that his existing parking situation was properly permitted and thus qualifies for grandfathering? How will your department handle that situation.

Mr. LaFreniere replied this ordinance would have no effect on that, however, it is typical for our department...I shouldn't say typical...we frequently run into situations where we have to make a determination as to legally grandfathered versus illegal uses and we have a number of resources at our disposal including some pretty definitive resources that we work with Planning on in the form of aerial photography that shows us how long something's been in existence. It's very typical for us to do quite a bit of research to determine the legal status of various uses of property.

Alderman Osborne stated I just wanted quick clarification with what Alderman Shea was speaking about which we talked a few times about ourselves. I'm sure a few of them are a little confused about this parking situation with the driveway. To make it simple a house sits here, there's a driveway on the side, a 14 foot driveway let's say and it runs all the way back to a garage. At one time you could not park beyond the front of your home at all, it had to be in the driveway or in the garage, correct.

Mr. LaFreniere stated that is correct.

Alderman Osborne stated so what you're trying to say now is you're going to allow one parking space beyond the front of the house.

Mr. LaFreniere stated the current ordinance allows for one in front of the house in a driveway that leads to that garage. The proposal would allow for one additional parking space as long as it was set deep enough into the lot on a paved area adjacent to the driveway.

Alderman Osborne stated so you'd have some part of the front of the house...if it's only a 50-foot lot you can't help not to go in front of your home.

Mr. LaFreniere stated this change addresses only those parking spaces that would be in front of the home. The ordinance structure defines what front yard is as being everything that's between the front line of the house and the street. It defines the required front yard as everything between the street and the setback line.

Alderman Osborne stated let me simplify it here as long as they're not parking directly in front of the home. If a person has a large enough off to the side is what you're talking about, right.

Mr. LaFreniere stated that's what this was designed to address, yes.

Alderman Osborne stated what I'm trying to say is that no one can park in front of their home or tar the front of their home if it's in front of their home...you have to have a lot large enough off to the side...one side or the other.

Mr. LaFreniere stated that is correct, yes.

Alderman Osborne stated so that clarifies that. You cannot tar the front of your house and put cars in front of your home.

Mr. LaFreniere stated this would allow for the potential in additional parking space that would be between the street and the home. Now, in front of the home...

Alderman Osborne interjected or off to the side.

Mr. LaFreniere stated the reason that I'm getting so particular is because the definitions of the ordinance are very specific in regard to defining what front yard is...I think what you're thinking about is front yard as being directly in front of the house.

Alderman Osborne stated exactly.

Mr. LaFreniere stated the ordinance says front yard is everything, the entire width of the lot up to the street.

Alderman Osborne asked will they be able to park directly in front of their home is what I want to know.

Mr. LaFreniere stated there is a potential for a single parking space in front of the home yes.

Mayor Guinta stated some drawings will be provided to further clarify this because there seems to be some confusion. So, that will be provided.

Alderman Osborne stated getting back to the unregistered vehicles on the property you say...just go over a little bit...the registered vehicle on the property. Now, this has to be in use.

Mr. LaFreniere stated it doesn't have to be in use but it would have to be roadworthy. What the current ordinance says is that you can only have one unregistered vehicle on a lot and we have had an enforcement issues dealing with property owners that have had multiple, essentially junk cars on their lots and addressed the non-compliance issue by going down and registering them which is a relatively inexpensive mechanism to circumvent the intent of the ordinance.

Alderman Osborne stated I understand that one.

Mr. LaFreniere stated so what this change is designed to do is you can't just register a junk car, the car has to be roadworthy.

Alderman Osborne stated wouldn't it be easier to say it has to also be inspected.

Mr. LaFreniere stated we did discuss that, however, there was a concern that you could have a roadworthy vehicle that wasn't inspected. Many people with collector vehicle and that sort of thing don't have them inspected 12 months of the year.

Alderman Osborne stated to register a car you only have ten days to inspect it, true.



Mr. LaFreniere stated ten days inspected to drive it on city streets.

Alderman Osborne stated what goes to a car registered on private property...we can get into this very deeply.

Alderman Roy stated staying somewhat on that vein I don't like the word non-roadworthy either because my version of roadworthy and your version of roadworthy may be two different versions and you're going to run into that and it will end up in court. My question switches to the definition of terms...the shortest horizontal distance between the side lot lines in regards to lot width, high shaped lots. You've got 500 feet of frontage tapering down to zero...what would the shortest distance be?

Mr. LaFreniere replied the ordinance requires a minimum lot width for 100 feet of depth. So, it would be the shortest...the effect of this would be measured between the shortest distance between two lines for that 100 feet of depth because you're not required to maintain more than the minimum required frontage for beyond the hundred feet.

Alderman Roy stated I can think of at least three or four properties in Ward 1 that sit on a rounded corner of nice developments, pie shaped lots, 300 feet of frontage with 100 feet of depth with very nice houses on them so they would not have appropriate frontage if it was 99 feet deep.

Mr. LaFreniere stated essentially what this change is designed to do is address some lack of clarity in the ordinance. The way the ordinance is currently administered is exactly the way that this change recognizes...there is a potential for conflict with Section 6.02 of the ordinance that really defines what shape a lot has to be to be compliant and we're not proposing any change with that. What we're proposing is how to measure it and where we run into the issue is how to measure it when you're on the tangent to a curve and most commonly on an inside curve such as a cul-de-sac and the intent of the ordinance is that you have a lot width that is a minimum distance necessary to support the house in a given district. If you measure the distance at a point that's not at the shortest point you can certainly skew the distance and circumvent potentially the intent of the ordinance. We have not interpreted it that way, it's never been administered that way, we just wanted to add some clarity so that any person who would look at the definition would understand that 6.02 requires the minimum width.

Alderman Roy stated that's also one of those that I would again ask that when it gets to B2R (Bills on Second Reading) for discussion that there may be some pick a random sampling of 10 or 12 properties, draw the lines that we would measure here...this is how it's done because that again I think opens up a lot of questions unless you're looking at the ordinance in its entirety.

Alderman Forest stated I guess we're all going to go on this same line. The problem that I have in my ward and I'm not going to give you the specific buildings exactly where they are but I have three constant complaints that I have. One is a duplex that a person bought...he and his wife now utilize the driveway, have told the two tenants that they have to find their own spots...one of them has, the other one decided that he's going to drive up on the sidewalk to get to the front of this duplex and that's where he parks his pickup truck all day long...that is one problem. The second problem that I have and may work even worse with this ordinance is one apartment...another driveway with two vehicles, they rent to college students. These three college students drive up again on the sidewalk, park head on into the house, they're parked on the front lawn but yet three quarters of their vehicles are on the sidewalk. I've got the same problem down on Front Street and this ordinance would actually...sounds to me like it would allow them to do this and I get complaints about this every day.

Mayor Guinta asked is this an enforcement issue, which he's describing?

Alderman Forest stated the sidewalk the police can tag but it's not really enforced.

Mayor Guinta stated but the question I'm asking is that's an enforcement issue, right?

Mr. LaFreniere replied yes because that would be an illegal situation under the existing.

Mayor Guinta stated it's now brought to my attention and we'll enforce it, so if you want to give me...

Alderman Forest stated it is being enforced.

Alderman Smith stated I think Leon most of these questions that they're addressing I've talked to you about on a weekly basis I think. First of all, I'm definitely opposed to any parking in front yards. I can tell you I live on Boynton Street there's people that park their cars on their grass lawns and so forth you can't even see going down 101. I'm definitely opposed, I have to agree with Alderman Shea that we probably have to tolerate the situation as it is but no front yard. In regard to unregistered vehicles as you well know I have three probably junk yards in the ward and most of them are unregistered and it seems like it's been addressed in Ward 10 to you, it's a legal situation but it seems like we can't do anything and even today there has to be five or six unregistered cars in a lot and the legal matter it seems like the person just uses the legal matter to get away with it. So, I don't know what the enforcement...I'm sick and tired and I'll tell you exactly where it is...it's on Third and Cleveland Streets...I'm sick and tired of it...I'm getting calls on it, we've got to do something. I've called the police, I called you, I called the Highway Department, I've called

everybody and there's no answer...we're going the legal process. What can I do to resolve this situation? You know that I meet with you probably twice-a-week on this situation, right.

Mr. LaFreniere stated yes...the Solicitor's office is prosecuting that situation, there is a court date as I understand it in October to address that and we have actually talked with Attorney Clark about the potential of petitioning for an additional expedited court date to try to deal with that. As you are aware that has been a perennial problem and the court process is underway.

Alderman Smith stated what I'm talking about is the unregistered vehicles on the lot...we can't do anything with those vehicles?

Mr. LaFreniere stated it is part of the enforcement action...the unregistered vehicles are part of it.

Alderman Smith stated I want you to know that I'm not picking on you but I'm thoroughly frustrated...there must be 15 cars and there's at least 2,000 pallets over there and the poor people can't open up their windows they see pallets out there. It's got to be resolved.

Mayor Guinta called for those wishing to speak in favor. There were none.

Mayor Guinta called for those wishing to speak in opposition.

Robb Schwartz, 89 Route 101 A, Bedford, NH, stated:

I want to say that I'm opposed to limiting the amount of electronic message centers as effective signage for the outlying areas other than just the B-2 area.

Gerard Bouley, 287 St Marie Street, Manchester, NH, stated:

Speaker was not present.

Kevin Martin, 277 St. Marie Street, Manchester, NH, stated:

Speaker was not present.

Bill Smillie, 912 Union Street, Manchester, NH, stated:

I appreciate the Board's opportunity to speak tonight I know many members of the Board and I've been a lifelong resident of the City and a business owner and I'm excited about the City and in the past past Boards have always looked favorably upon signage. My concern without getting into all of the legal aspects and all of the particulars of it...I have two concerns. One is the restriction of electronic message centers for certain zones. They are currently not allowed in residential zones at this time so there's no electronic message centers going in any residential areas...there's no need to fear that. The Verizon Arena is a perfect example of technology being allowed to exist in an area...we can't restrict

technology as a City moving forward and I get very nervous, I travel around the country, I work with communities all over the United States and I get very nervous when I see communities trying to restrict technology. I understand residential neighborhoods is not the place for electronic message centers but we're not talking about a lot of residential neighborhoods in a lot of areas. The industrial zone in this City is huge, it encompasses probably a good chunk of So. Willow Street from Huse Road on...that's industrial zoned up there...I can be corrected on that but I'm pretty sure...I'm not that good with the map lately but I did check that out. So, there are some flaws in the proposal before you tonight and I'd just ask the Board to take a hard look at that and I also would ask the Board to take a serious hard look and I won't speak on the specifics of the overlay district but the signage...may I address that, Mr. Mayor. The signage within the overlay district is very restrictive. There's about five or six points that are very contradictory with regard to the types of signs that they want to promote yet the types of signs that are allowed may not seem like a very big deal to the members of this Board but I'm telling you as a small business owner and I've worked with hundreds of small business owners across this country...signage is a valuable tool to small businesses. It's the way they succeed and when we start to dictate and put in parameters on how those businesses can advertise we all need rules and regulations I'm not saying I want to exist without rules but if the SBA which is the Small Business Association has a website and they say that the most important aspect for a small business to survive in today's economy is through effective signage and I need to stand up and take notice of that and I think you as Board members should take a look at that before we arbitrarily start putting in restrictive sign codes because we think it's the way things should look and I was so impressed by Mr. Shea's line...unaccountable...can you say that again.

Alderman Shea stated unintended consequences.

Mr. Smillie stated unintended consequences...that to me is the greatest line in the world because that's where it starts...all of a sudden we need to restrict, we need to ban and we need to know how things look and I encourage the Board, we've worked with the Planning Department in the past when they've tried to do some of this stuff and we've worked together and I encourage the Board to kind of put their brakes on (a) restricting where electronic message centers go because it is technology and we can't be afraid of it and (b) the signage portion of the overlay district needs a hard look at because there's a lot of contradictions there. Thank you for your time.

Ben Barr, Barlow Signs, stated:

I'm simply here to voice a concern in opposition to both electronic signs and what Mr. Smillie has presented you this evening. Being a younger gentleman in this generation I look at Manchester as a thriving community and I too have worked with a lot of businesses that look to see how they can really differentiate themselves and stand a chance to be able to continue a good business and I think that the pieces of restrictions and also maybe an atmosphere to be able to restrict how people can look and how they can individualize

themselves really needs to be considered as a piece that you folks really need to look at a little bit more than what normally would be considered. I apologize if that doesn't come across as effective as I want it to be but I see Manchester as a community in this state that really says this is how we should run our community and living up in the Lakes Region I see people trying to work off a building block that you folks have presented very well over the years that you've been here. So, I voice a concern as far as the organization's concerned...I'm out of Hudson, New Hampshire...we've done a lot of work in the area, I think we've brought a lot of good to the community...different businesses work different ways, different areas should look different but if it is a commercial district they should have the opportunity to thrive and I have concerns that there may be an opportunity for somebody to accelerate when and if there are some more restrictions put upon them they may not be able to survive and continue. So, I appreciate your time this evening and thank you very much.

The Clerk presented the proposed Building Code changes:

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1999 National Electrical Code and adopting the 2005 edition of the National Electrical Code; by repealing the 1993 BOCA National Plumbing Code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein; and by adopting new permit fees.”

“Amending Chapter 1 Administration of the Building Code of the City of Manchester providing for increased fees.”

“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances of the City of Manchester providing for increased fees.”

*(Note: additional information provided by the Deputy Building Commissioner dated 08/15/2006 enclosed herein.)*

Mayor Guinta requested Leon LaFreniere, Commissioner of Buildings, make a presentation.

Mr. LaFreniere stated in an effort to be concise let me say that essentially there are three different pieces to this request tonight. The first is in two parts in so far as we are requesting that the Board approve updating the Electrical Code administered by the City. When we adopted the last Building Code set in 2001 the latest available National Electrical Code edition was the 1999 edition that had been adopted by the state. Currently the state within the last year has adopted the 2005 edition of the National Electrical Code, I should say approximately a year. And, this request is an effort to try to bring us up to the current code as well as make us consistent with the state requirements. The second part of this first item is dealing with an ancillary code...this being the Plumbing Code. At the time that we adopted the 2000 edition of the International Building Code the State of New Hampshire was still under the 1993 BOCA Plumbing Code so we updated to that code in an effort to stay consistent with the state we didn't feel it was appropriate to have a code that was very

different from the state and cause problems with consistency issues so we adopted the state standard and in the last year the state has updated to the 200 edition of the International Plumbing Code and we have proposed to adopt that code with the amendments that were imposed by the State of New Hampshire that are required of all plumbers for licensing by the Board of Licensing and with some additional minor changes that I can speak to if the Board would like. The next change and perhaps I should pause and ask if you'd like to take these individually.

Mayor Guinta stated continue.

Mr. LaFreniere stated the next change has to do with the administration of the Building Code fees. We have proposed some minor adjustments after doing a comparative analysis with our fee structure and other communities as well as taking a look at our service delivery costs. One of the things that I found surprising in going through that analysis was that since we hadn't updated our fee structure for some time that I thought that there might be some significant room to update the fees and still be competitive with other communities. I found that the fee structure generally was still pretty competitive. It was not under by significant numbers in most cases from other communities, however, the worse scenarios where I felt it was appropriate to make adjustments both from the standpoint of addressing our costs to provide service delivery as well as to try to build in some or correct some inequities that are currently in the fee structure. The first of those is the building permit fees for new construction and we did as I think has been mentioned sent out a communication that provided some information both on the comparative situation with other communities as well as where we were before the last change and where we were at now and where we think we should be. We're not proposing any changes with single-family homes or with renovations but before 2001 there was a significant disparity between the cost to do new construction and the cost to do commercial renovations in so far as our fee structure. We were charging \$20 per \$1,000 of construction cost for renovation and \$3.00 per \$1,000 of construction cost for new construction...that was a disparity that I could not justify with regard to our service delivery costs, we made a change that we felt got us closer to parity in 2001 but still maintained a revenue generation capacity that would not have an adverse effect on the tax rate...\$8.00 per \$1,000 of new construction and went down from \$20 to \$10 per \$1,000 for renovation. Our current proposal is to make the new construction permit fees and renovation permit fees again other than single-family homes to be the same at \$10 per \$1,000 of construction cost. We feel that...I really can't justify a difference in cost to provide those services and it seems appropriate to have them be equitable between the two types of activities that we charge fees for. The next category is under our heating and cooling equipment or our mechanical permit fees. We currently do not charge fees for ventilation, duct work...this has become an area where because of changes in codes and the complexity of technology we have seen significant requirements for our inspection activities and our service delivery both in terms of providing assistance to contractors and property owners as well as our compliance inspections. So, we are proposing to introduce a fee of \$15 for

ventilation/duct work up to 400 cubic feet per minute and \$10 for each additional 400 cubic feet per minute. The plumbing permit fees again we did a comparative analysis and determined that we were significantly under communities and also not generating fees that were necessarily reflective of our cost to provide the services so we introduced a minor change to increase the permit fee rate for individual fixtures from \$4 to \$5 per fixture. We also added a compliance inspection fee for elevators and other lifts that the State Department of Labor does not inspect at a cost of \$150 per inspection. This is currently not in our fee structure, however, we have recently found that we have been required to perform these inspections because there are certain categories of elevators that the State Department of Labor does not inspect and those are specifically within single-family dwelling units. We are finding that to be a more common installation and it is a very comprehensive and complex inspection that requires substantial staff resources, the dedication of substantial staff resources, we are fortunate that we have a properly trained individual to do that but if we're going to dedicate his time to do that we feel it's appropriate to introduce a fee to cover that cost. The next and final area of this proposed change...I'm sorry it is not the final...the next area is the Housing Code fees that we charge for the cost for our Certificate of Compliance program...we charge for the inspection of dwelling units.

Mayor Guinta interjected please hold on for one quick moment.

Alderman Gatsas stated I don't want to elaborate...that's probably a bad word...could explanation of residential elevators.

Mr. LaFreniere stated this is a situation I wasn't aware of until very recently. Apparently, the state does not inspect elevators that are within single-family dwelling units. We have a project of attached townhouses that has just recently been built and when we went in to do our final certificate of occupancy inspections, looked for the elevator certificates and were informed by the state that they don't do those. So, in order for me to issue a Certificate of Compliance saying that the building meets code standards I want to be able to say with some certainty that all features of the building meet that. So, we actually had to do the elevator inspection ourselves in that instance.

Alderman Gatsas asked is that a joined elevator that more than one unit is using?

Mr. LaFreniere replied no. It is an elevator completely contained within a single dwelling unit and that's why the state has said that they do not inspect that particular class of elevator yet it is a hydraulic elevator that meets all of the...or meet by code meets all of the standards that are adopted by the state as well as adopted by our Building Code. So, if the state wasn't going to inspect it we needed to and in order to do that I had to dedicate significant time of a staff person to be able to do that.

Alderman Gatsas stated so this doesn't have anything to do with chairlifts going up and down stairs from a first floor to a second.

Mr. LaFreniere replied no it does not.

Mayor Guinta stated do you want to quickly finish up.

Mr. LaFreniere stated to wrap up the Housing Code fees have not been adjusted for some time. There really isn't a comparative that we can draw readily from other communities because very few communities have a proactive housing code compliance program like we do but we haven't raised these fees for a while. The cost to provide these services are not addressed by our current fee structure and we made some adjustments that we feel brings us closer to that end. And, the final area of adjustment was the Zoning Board of Adjustment fees. The Zoning Board of Adjustment fees have not been adjusted since February of 1994 and when we did our comparative analysis on those fees we found that we were substantially below what other communities are charging and realized that we are substantially charging fees at a substantially lower rate than what it's costing to provide the services. Our certified mail expenses have gone up dramatically. Each case requires certified mailings, our cost to provide staff resources as well as materials and supplies have gone up dramatically...so, we have introduced a tiered structure that provides what we felt was a more, a relatively minor increase for the type of situation where somebody has to come in for a setback violation but increased to a higher rate for somebody who has to come in for a use variance and ask for something that the use of the Zoning Ordinance doesn't allow.

Alderman Osborne stated I have about three quick questions here. Compared to other areas you said you're in line.

Mr. LaFreniere stated if I had to draw a line we're near the top of the pack but we're not pricing ourselves out of the market.

Alderman Osborne asked when did you have your last increase in your permits fees, etc.

Mr. LaFreniere replied 2001.

Alderman Osborne stated we're talking five years roughly. How will this increase help your department? Are these monies going to stay within your department or are they going to be going back to the general fund?

Mr. LaFreniere replied these funds will all go back to the general fund. In fact, we had projected that in total all of these increases may generate a revenue stream of approximately \$200,000 additional and that money has been built into the FY2007 budget.



Alderman Osborne stated so this is not going to help your department is it?

Mr. LaFreniere stated it doesn't help the department but it does help to offset the tax rate.

Alderman Osborne stated especially when we're trying to get some help for Mr. Gagne. I think it might be nice to earmark those extras that we're going to be taking in if it is passed within your department and we can get going with some of these ordinances that are out there and we're having such a tough time with. If we keep putting it back into the general fund and squander it someplace else then you're still in the same boat you are now. Thank you.

Alderman DeVries stated a couple of questions for you on the Certificate of Compliance...I'm trying to remember prior presentations you've made to this Board is that a yearly fee that is charged on multi-families in the City or is that a rotating schedule?

Mr. LaFreniere replied these are fees that are charged for the issuance of a Certificate of Compliance. Certificates of Compliance are issued for a 3-year period so each of these fees are charged once during that 3-year cycle.

Alderman DeVries stated so the proposal is to increase over the course of three years \$10 for the initial application.

Mr. LaFreniere stated yes.

Alderman DeVries stated and the inspection fee is an increase of \$10 per unit, so over the course of three years say on a 4-unit building that would be a \$40 increase.

Mr. LaFreniere stated no it would be...the inspection fee is not annual, it's for that 3-year cycle.

Alderman DeVries stated so over three years it's then increasing by \$10/unit so over the course of three years it would increase for a 4-unit.

Mr. LaFreniere stated yes you're correct.

Alderman DeVries stated I'm just making sure I understand because it has generated some interest and people are trying to figure out how this on top of the recent hit with revaluation increases is going to hit them in their residential rental market. We're trying to keep that market affordable.

Mayor Guinta called for those wishing to speak in favor. There were none.

Mayor Guinta called for those wishing to speak in opposition. There were none.

Mayor Guinta advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

Mayor Guinta advised this being a special meeting of the Board, no further business can be presented, on motion of Alderman Smith, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

City Clerk